

FILED

APR 17 2006

Oo v. Gonzales, No. 04-70662

FERNANDEZ, Circuit Judge, concurring:

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

I concur, with one caveat. Because Oo did not appeal the withholding and Convention Against Torture issues to the BIA, we lack jurisdiction to consider them. See, e.g., Garcia-Martinez v. Ashcroft, 371 F.3d 1066, 1079 n.5 (9th Cir. 2004). Thus, as I see it, this disposition speaks to asylum issues only. My concurrence is based upon that understanding.